

## **PART V**

### **MISCELLANEOUS**

The provisions of this part are also applicable to Local Supplemental Violations Bureau Schedules as referenced.

#### **A. ADDITIONAL PENALTIES FOR FAILURE TO APPEAR ON RETURN DATES**

##### **1. MOTOR VEHICLE, TRAFFIC AND PARKING CASES**

For offenses listed on this Schedule and on Local Supplemental Violations Bureau Schedules, the following additional penalties will be added to the payable amount as indicated:

1. When a supplemental notice is sent, \$10 will be added to the payable amount due.
2. When a Notice of Proposed Suspension for a parking violation is sent, \$10 will be added to the payable amount due.
3. When an Order to Suspend is issued for a parking violation, \$15 will be added to the payable amount due.
4. A \$3.00 DMV fee is also to be added to the total payable amount due upon the issuance of an Order.
5. When a warrant is issued, unless the judge otherwise orders, the amount of the bail indicated on the warrant shall be as follows: Parking offenses - The payable amount plus \$15. All other listed offenses - The payable amount plus \$25.

**(Note: Under the provisions of N.J.S.A. 39:5-9, costs, not to exceed \$30, may be deducted by the court from forfeited bail in traffic cases.)**

##### **2. NON-TRAFFIC CASES**

For offenses listed in Part II on this Schedule, N.J.S.A. 2A:8-27 permits the municipal court to order the suspension of a defendant's driving privilege for failure to appear at any scheduled court appearance. The following procedures may be used by the court to effectuate that process:

1. Send a Notice of Proposed Suspension of Driving Privileges for Failure to Appear and Order of Suspension to the defendant. This notice may be used for violations that are payable on this Schedule as well as for those violations that are not. Note: Unlike traffic matters, no fee may be assessed for the mailing of this notice.
2. Should the defendant fail to respond to the Notice of Proposed Suspension, the court may issue an Order of Suspension. When the court issues the Order, \$25 (\$10 (Notice) + \$15 (Order)) will be added to the total payable amount.
3. A \$3 DMV fee is also to be added to the total payable amount upon the issuance of the Order.
4. When a warrant is issued, unless the judge otherwise orders, the amount of the bail indicated on the warrant shall be the amount of the payable amount plus \$50.

## **B. APPEARANCE OF DEFENDANT IN CERTAIN CASES**

The officer issuing the Complaint/Summons may, where in the opinion of the officer circumstances indicate the defendant should appear in court, check the Complaint/Summons "Court Appearance Required" in which event the case may not be processed in the Violations Bureau.

## **C. AUTHORIZATION TO APPLY BAIL AGAINST FINE(S) AND COSTS**

By executing the form of Authorization to Apply Bail Against Fine(s) and Costs and Waiver of Rights, a defendant against whom a warrant has been issued waives the rights to a lawyer and a trial, enters a plea of guilty to the offense charged, and authorizes the municipal court administrator to apply the bail posted toward the payment of fines, which includes \$1 for the Body Armor Replacement Fund, \$1 for the New Jersey Spinal Cord Research Fund and costs owed. This form may be used for all offenses payable through the Violations Bureau. **Note: \$2.00 of the court costs is to be deposited into the ATS Fund for all violations payable through the Violations Bureau and an additional \$.50 of the court costs on all violations of Title 39, other traffic and parking matters, is to be deposited into the EMTTF.**

## **D. DEFENSE BY AFFIDAVIT IN CERTAIN CASES**

For any offense not listed on this Schedule or on a local Supplemental Violations Bureau Schedule (see Part VI), a court appearance is required unless the court authorizes a defense by affidavit in accordance with the provisions of R. 7:12-3. For offenses involving traffic accidents resulting in personal injury, a court appearance is also required.